

BURLINGTON, N. C.
ZONING ORDINANCE

SECTION 32.4: MULTIFAMILY DISTRICTS

A. General Regulations: Multifamily districts are established to create areas of the City in which there are residential uses at a higher density than are permitted in other residential districts and to insure that such uses and public and private uses complementary and accessory to them will be protected from undesirable commercial and industrial activity. The following regulations shall apply to all multifamily districts and to all multifamily developments in other districts where permitted:

1. Storage of Travel Trailers: Travel trailers shall not be parked or stored in or on any lot in a multifamily district except in a carport or enclosed building or in a rear yard and no closer than five feet to any lot line, except for loading and unloading operations completed in a 24-hour period.
2. Storage of Vehicles Without Current License Plates: No more than two automotive vehicles or trailers of any kind without current license plates or that are inoperable shall be parked or stored in any Multifamily District. Such storage of vehicles or trailers shall be in a carport or enclosed building on the lot or in an area screened from view from adjacent properties or from a public street.

All vehicles existing on the effective date of this section that do not conform to the requirements set forth herein shall be removed or brought into compliance within 12 months from the effective date of this amendment. Upon failure to comply with the requirements of this section, the Building Inspector may take corrective action as provided by Section 32.18 of this ordinance. All vehicles made non-conforming as a result of any amendment to this section shall be removed or brought into compliance within 12 months from the effective date of such amendment. **(Amendment adopted June 2, 1992)**

3. Visual Clearance at Intersections: On a corner lot, nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede vision at a height between two and one-half to ten feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines 35 feet from the point of intersection.
4. **(Eliminated by amendment adopted March 16, 2004)**

5. **(Eliminated by amendment adopted March 16, 2004)**
6. **(Eliminated by amendment adopted March 16, 2004)**
7. (Reserved)
8. Screening of Utility Areas: Utility areas such as clothes drying yards and outdoor storage areas in multifamily developments shall be provided with an opaque screen along any side of such areas that would be visible from a public street or adjoining residentially-zoned properties. No such utility areas shall be located in the area between a building and a street bordering the development.
9. Minimum Distance Between Buildings: The minimum distance between buildings on the same lot shall be as follows:
 - a. When Either of Two Walls Facing Each Other Contains a Front Entrance: The minimum distance between the two walls shall be in accordance with the following table:

HEIGHT OF BUILDING A (Number of Stories)

	1	2	3	4	5	6	Over 6
1	35'	40'	50'	60'	75'	75'	75'
2	40'	45'	55'	65'	80'	85'	87.5'
3	50'	55'	65'	75'	85'	95'	100'
4	60'	65'	75'	85'	95'	100'	100'
5	75'	80'	85'	95'	100'	100'	100'
6	75'	85'	95'	100'	100'	100'	100'
Over 6	75'	87.5'	100'	100'	100'	100'	100'

- b. When Either of Two Walls Facing Each Other Contains a Rear or Side Entrance, but no front entrance, the minimum distance between the two walls shall be in accordance with the following table:

HEIGHT OF BUILDING A (Number of Stories)

	1	2	3	4	5	6	7	8	9	10	Over 10
1	30'	35'	40'	45'	55'	65'	75'	75'	75'	75'	75'
2	35'	40'	45'	50'	60'	70'	75'	80'	82.5'	85'	87.5'
3	40'	45'	50'	55'	65'	75'	80'	85'	90'	95'	100'
4	45'	50'	55'	60'	70'	80'	85'	90'	95'	100'	100'
5	55'	60'	65'	70'	75'	85'	90'	95'	100'	100'	100'
6	65'	70'	75'	80'	85'	90'	100'	100'	100'	100'	100'
7	75'	75'	80'	85'	90'	95'	100'	100'	100'	100'	100'
8	75'	80'	85'	90'	95'	100'	100'	100'	100'	100'	100'
9	75'	82.5'	90'	95'	100'	100'	100'	100'	100'	100'	100'
10	75'	85'	95'	100'	100'	100'	100'	100'	100'	100'	100'
Over 10	75'	87.5'	100'	100'	100'	100'	100'	100'	100'	100'	100'

- c. When Either of Two Walls Facing Each Other Contains A Window but no entrance, the minimum distance between the two walls shall be in accordance with the following table:

HEIGHT OF BUILDING A (Number of Stories)

	1	2	3	4	5	6	7	8	9	10	11	12	Over 12
1	20'	25'	30'	37.5'	45'	52.5'	60'	67.5'	75'	75'	75'	75'	75'
2	25'	30'	35'	40'	45'	52.5'	60'	67.5'	75'	82.5'	90'	97.5'	100'
3	30'	35'	40'	45'	50'	55'	67.5'	75'	75'	82.5'	90'	97.5'	100'
4	37.5'	40'	45'	50'	55'	60'	65'	70'	75'	82.5'	90'	97.5'	100'
5	45'	45'	50'	55'	60'	65'	70'	75'	80'	85'	90'	97.5'	100'
6	52.5'	52.5'	55'	60'	65'	70'	75'	80'	85'	90'	95'	97.5'	100'
7	60'	60'	60'	65'	70'	75'	80'	85'	90'	95'	100'	100'	100'
8	67.5'	67.5'	67.5'	70'	75'	80'	85'	90'	95'	100'	100'	100'	100'
9	75'	75'	75'	75'	80'	85'	90'	95'	100'	100'	100'	100'	100'
10	75'	80'	82.5'	82.5'	85'	90'	95'	100'	100'	100'	100'	100'	100'
11	75'	85'	90'	90'	90'	95'	100'	100'	100'	100'	100'	100'	100'
12	75'	87.5'	97.5'	97.5'	97.5'	97.5'	100'	100'	100'	100'	100'	100'	100'
Over 12	75'	87.5'	100'	100'	100'	100'	100'	100'	100'	100'	100'	100'	100'

- d. When Neither of Two Walls Facing Each Other Contains Windows or Entrances, the minimum distance between the two walls shall be as follows:

<u>Total Number of Stories (Both Buildings)</u>	<u>Minimum Required Distance Between Buildings</u>
6 or less	20 feet
7 to 40	20 feet plus 2.5 feet for each story in addition to 6
41 or more	75 feet

- e. When two buildings are structurally connected with intersecting walls, there shall be no required separation of walls intersecting at an angle of 90 degrees or more.
- f. When the length of either of two walls facing each other exceeds 100 feet, the minimum distances between the two walls at any point shall be as required in a, b, c and d, directly above, and in addition, the average distance between the two walls shall not be less than the minimum required distance plus 20 percent of the length of the shorter wall in excess of 100 feet. For example, if the shorter wall is 110 feet in length, the average distance between the two walls shall not be less than the minimum required distance plus two feet. In no event, however, shall the required distance be more than 100 feet.
- g. When two walls face each other for a distance of 20 feet or less, measured horizontally along either wall, the minimum required distance may be reduced by 25 percent, but in no event shall such distance be less than 20 feet.
- h. When two walls face each other for a distance of ten feet or less, measured horizontally along either wall, the minimum required distance may be reduced by 50 percent, but in no event shall such distance be less than 20 feet.

- i. The minimum required separation between two buildings not structurally connected and not facing each other shall be as follows:

<u>Total Number of Stories in Both Buildings:</u>	<u>Minimum Required Distance Between Buildings:</u>
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8 or less	20 feet
9	22.5 feet
10	25 feet
11	27.5 feet
12 or more	30 feet

- j. Courts: The minimum dimensions of any court shall be as required by Subparagraph a, b, c, d, e, f, g, h and i above, except that no outer court of less than 40 feet in width shall have depth of more than one and one-half times its width.
10. Parking and Loading Space Required: Off-street loading and storage space for vehicles shall be provided as required by Section 32.11. In addition, the following requirements shall be met in multifamily developments:
- a. No required parking space shall be more than 200 feet distance from the dwelling unit it serves measured in line of horizontal travel.
 - b. Adequate vehicular access shall be provided for garbage and trash pick-up, parcel deliveries and maintenance and service vehicles.
 - c. No parking or loading areas or vehicle maneuvering areas shall be located in a required front yard or in a required side yard on a corner lot. No such parking, loading or vehicle maneuvering area shall be located within five feet of any interior property line.
(Amendment adopted October 7, 1997)
 - d. All parking spaces, drives and vehicle maneuvering spaces shall be paved with a dustless all-weather material such as asphalt or concrete capable of carrying without damage the heaviest vehicle loads that can reasonably be anticipated on such surface.
11. Signs: Signs permitted in multifamily districts shall be in accord with the specific regulations set out in Section 32.12 of this ordinance.

12. Uses Other Than Multifamily: Single-family dwellings, two-family dwellings and all other permitted uses other than multifamily uses shall comply with the requirements of the R-6, Residential Districts. (See Sections 32.3:A and 32.3:E) Any provision of Section 32.4 that conflicts with said R-6 requirements shall be disregarded with respect to all uses other than multifamily.
13. Continuing Care Retirement Communities (CCRC): Continuing Care Retirement Communities shall be in conformance with the provisions of Section 32.10:SS that modify the requirements of this section.
(Amendment adopted March 16, 2004)

B. MF-A Multifamily Districts: The following regulations shall apply in all MF-A Multifamily Districts:

1. Permitted Uses: Land shall be used and buildings erected, altered, enlarged or used only for one or more of the uses indicated in the MF-A column of the Table of Permitted Uses, Section 32.9, and subject to such conditions as may be referred to in the Special Requirements column of said table.
2. Minimum Lot Area and Width: No building containing more than two dwelling units shall be erected, altered, enlarged or used on a lot having less than 6,000 square feet and a width of less than 60 feet. Subject to incorporating the minimum required lot size of 6,000 square feet, there shall be provided on each lot the following area of land per dwelling:
(Amendment adopted September 4, 1984)

One-room unit – 2,000 square feet

One-bedroom unit – 2,500 square feet

Two-bedroom unit - 3,000 square feet

Three-bedroom unit – 3,500 square feet

Units with more four or more bedrooms - 3,500 square feet plus 350 square feet for each bedroom in addition to four

3. Maximum Lot Coverage: All buildings and accessory buildings on any lot shall not cover more than 25% of the total land area of such lot, except that townhouse developments are exempted from this requirement (See Section 32.13, Paragraph M).

- a. Usable Open Space: A minimum of 10 percent of the total land area of any lot containing three or more dwelling units shall be developed as usable open space, as defined in Section 32.22. Parking areas, vehicle drives and storage areas shall not be included in such open space. **(Amendment adopted December 19, 2006)**
- b. Private Usable Open Space: **(Deleted by amendment adopted December 19, 2006)**
4. Height Limit: No building shall exceed a height of two stories or 32 feet, except that a building of greater height may be erected if the minimum setback distance from all property lines as required by Paragraphs A.4, A.5, and A.6 (Front, Side and Rear Yards) of this section is increased by one additional foot for every foot of height exceeding 32 feet. Buildings of more than three stories shall contain at least one passenger elevator for each 75 dwelling units above the first floor.
5. Minimum Setbacks: **(Amendment adopted March 16, 2004)**
 - Front setback - 40 feet
 - Setback from private road - 25 feet
 - Side setback - 25 feet
 - Side setback abutting a street - 30 feet
 - Rear yard setback - 30 feet or two times the height of the building (maximum of 75 feet)

- a. No building shall be required to set back a greater distance than the minimum setback as determined for MF-A Districts. Within subdivisions created prior to the enactment of this section of the Zoning Ordinance, no structure shall be required to set back a greater distance than the average setback of the existing residential structures on the same side of the block and fronting thereon within the same block or within a horizontal distance of 500 feet in both directions for areas not divided into blocks.

C. MF-B Multifamily Districts: The following regulations shall apply in all MF-B Multifamily Districts:

1. Permitted Uses: Land shall be used and buildings erected, altered, enlarged or used only for one or more of the uses indicated in the MF-B column of the Table of Permitted Uses, Section 32.9, and subject to such conditions as may be referred to in the Special Requirements column of the Table of Permitted Uses.
2. Minimum Lot Area and Width: No building containing more than two dwelling units shall be erected, altered, enlarged or used on a lot having less than 6,000 square feet and a width of less than 60 feet. Incorporating the minimum required lot size of 6,000 square feet, there shall be provided on each lot the following area of land per dwelling unit: **(Amendment adopted September 4, 1984)**

One-room unit – 1,200 square feet

One-bedroom unit – 1,450 square feet

Two-bedroom unit – 1,650 square feet

Three-bedroom unit - 1,800 square feet

Units with four or more bedrooms – 1,800 square feet plus 150 square feet for each bedroom in addition to four

3. Maximum Lot Coverage: All buildings and accessory buildings on any lot, including any structure more than five feet in height from the floor to the highest point on the roof, shall not cover more than 35 percent of the total land area of such lot, except that townhouse developments are exempted from this requirement (See Section 32.13, Paragraph M).

- a. Usable Open Space: A minimum of six percent of the total land area of any lot containing three or more dwelling units shall be developed as usable open space, as defined in Section 32.22. Parking areas, vehicle drives and storage areas shall not be included in such open space. **(Amendment adopted December 19, 2006)**
 - b. Private Usable Open Space: **(Deleted by amendment adopted December 19, 2006)**
4. Height Limit: No building shall exceed a height of two stories or 32 feet, except that a building of greater height may be erected if the minimum setback distance from all property lines as required in Paragraph A.4, A.5, and A.6 (Front, Side and Rear Yards) of this section is increased by one additional foot for every foot of height exceeding 32 feet. Buildings of more than three stories shall contain at least one passenger elevator for each 75 dwelling units above the first floor.
 5. Minimum Setbacks: **(Amendment adopted March 16, 2004)**
 - Front setback - 40 feet
 - Setback from private road - 25 feet
 - Side setback - 25 feet
 - Side setback abutting a street - 30 feet
 - Rear yard setback - 30 feet or two times the height of the building (maximum of 75 feet)
- a. No building shall be required to set back a greater distance than the minimum setback as determined for MF-B, Multifamily Districts. Within subdivisions created prior to the enactment of this section of the Zoning Ordinance, no structure shall be required to set back a greater distance than the average setback of the existing residential structures on the same side of the block and fronting thereon within the same block or within a horizontal distance of 500 feet in both directions for areas not divided into blocks.